

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

LUIS ALEJANDRO GARZA

VS.

THE UNITED STATES OF  
AMERICA

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CIVIL ACTION NO. B-02-154  
FEDERAL TORT CLAIMS ACT

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**EXHIBIT "3"**

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BROWNSVILLE DIVISION

LUIS ALEJANDRO GARZA

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CIVIL ACTION NO. B-02-154  
FEDERAL TORT CLAIMS ACT

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**LUIS ALEJANDRO GARZA'S SECOND SET OF INTERROGATORIES  
TO THE UNITED STATES OF AMERICA**

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TO: THE UNITED STATES OF AMERICA, DEFENDANT, by and through its  
attorney of record, to wit:

Ms. Nancy L. Masso  
Assistant U.S. Attorney  
600 E. Harrison St., No. 201  
Brownsville, Texas 78522

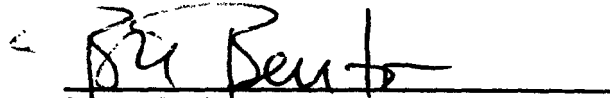
COMES NOW, Plaintiff, LUIS ALEJANDRO GARZA, in the above-entitled and  
numbered cause and submits these his second set of interrogatories to Defendant,  
THE UNITED STATES OF AMERICA.

Pursuant to the Texas Rules of Federal Procedure, Rule 33, the attached  
interrogatories are submitted by LUIS ALEJANDRO GARZA, Plaintiff in the above-  
entitled and numbered cause, to be answered by Defendant, THE UNITED STATES  
OF AMERICA, under oath, in writing, within thirty (30) days after personal service of  
these interrogatories upon you or thirty-three (33) days if service was by mail or  
telephonic document transfer.

P.T.

Be advised that if a party learns that the party's response to written discovery was incomplete or incorrect when made or, although complete and correct when made, is no longer complete and correct, the party must amend or supplement the response: (1) to the extent that the written discovery sought the identification of persons with knowledge of relevant facts, trial witnesses, or expert witnesses, and (2) to the extent that the written discovery sought other information, unless the additional or corrective information has been made known to the other parties in writing, on record at a deposition, or through other discovery responses.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barry R. Benton", is written over a horizontal line.

Barry R. Benton  
284 Ebony Avenue  
Brownsville, TX 78520  
Telephone :956-546-9900  
Facsimile :956-546-9997  
State Bar No. 02176500  
Federal I.D. No. 3968

ATTORNEY FOR PLAINTIFF  
LUIS ALEJANDRO GARZA

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the above and foregoing Plaintiff's Second Set of Interrogatories to Defendant, was hand-delivered to all counsel of record, to wit:

Ms. Nancy L. Masso  
Assistant U.S. Attorney  
600 E. Harrison St., No. 201  
Brownsville, Texas 78522

on the 17<sup>th</sup> day of May, 2006.

  
\_\_\_\_\_  
BARRY R. BENTON

**EXHIBIT "A"**  
**DEFINITIONS**

**"Documents and tangible things"** - has the meaning given that phrase in Texas Rules of Federal Procedure 34, and also means the originals and all non-identical copies (whether by reason of marginal or other notes, markings, alterations, modifications, changes or amendments) of any writing or tangible thing, including, but not limited to any written, typewritten, handwritten, printed, transcribed, punched, taped, filmed, recorded, computer produced or graphic material, however produced or reproduced, correspondence, notes, telegraphs, telegrams, memoranda, contracts, inter-office or intra-office communications, offers, leases, agreements, transactions, of records or recordings, summaries or records of telephone or personal conversations, summaries of records or minutes of meetings or conferences, agendas meetings or conferences, studies, analysis, evaluation, work papers and all drafts, specifications, guidelines, technical journals, articles, instruction manuals, papers or other publications, drawings, maps, plans, tables, graphs, charts, bulletins, circulars, brochures, pamphlets, manuals, books, prospectuses, computer printouts, teletypes, telefax, invoices, graphic or manual records, photographs, notebooks, records, desk calendars or diaries, day books, business records, electronic, mechanical or electric records, or representation of any kind (including without limitation, tapes, cassettes, disks, recording, microfiche, microfilm, video tapes, and motion pictures, books of account, ledgers, budgets, or any other papers or things purporting to be a document and/or tangible thing.

**"Identify"** - means state the name, address and phone number.

**"The incident"** - means the incident that occurred on February 6, 2001 described in Plaintiff's lawsuit.

**INTERROGATORIES**

1. In regard to the following persons, please state their present whereabouts, the crime for which they were convicted and the sentence given:

<b><u>Prisoner Number</u></b>	<b><u>Inmate Name</u></b>
a. <del>38405-079</del> or 93405-079	Cabrera
b. 76988-079	Coleman
c. 10471-035	Damione Brock
d. 83514-080	Sergio Diaz Alvarez
e. 46222-079	Frazier
f. 09177-035	Hodges
g. 86842-079	P. Guzman
h. 23087-077	L. D. Richardson
i. 03996-025	G. Haynes
j. 29501-077	Hammons
k. 76893-079	Corey Williams
l. 02020-081	Robert Alford
m. 05760-080	Gomez
n. 89539-079	Jose Jaime
o. 84122-079	Manuel Montemayor
p. 85652-079	Alfonso Martinez
q. 71774-079	Jesus Martinez Orosco

r.	25117-177	Felipe Castro Ontiveros
s.	06100-112	Danny Schertz
t.	39571-008	Romero
u.	76844-079	Javier Tijerina

**ANSWER:**

2. In connection with the following persons, please state their present whereabouts, last known address, the phone number and whether they are still employed by the United States Government:
- a. W. Martin,
  - b. J. Hummee,
  - c. Debra Romero, and
  - d. J. P. Shipman

**ANSWER:**

3. Identify all persons charged with a criminal offense resulting from the incident which is the basis of this lawsuit, including the style, cause number and disposition of the case and their present whereabouts.

**ANSWER:**

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

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**AFFIDAVIT**

BEFORE ME, the undersigned authority on this day personally appeared ,  
\_\_\_\_\_ and after being by me first duly sworn,  
upon his/her oath, deposes and says that he/she is duly qualified and authorized in  
all respects to make this affidavit; that he/she has read the above and foregoing  
answers to interrogatories and that every statement contained therein is within  
his/her knowledge and is true and correct.

\_\_\_\_\_

SWORN TO AND SUBSCRIBED BEFORE ME, this \_\_\_\_ day of  
\_\_\_\_\_, 2006.

\_\_\_\_\_  
Notary Public - State of Texas

\_\_\_\_\_  
Printed name of Notary

My commission expires: \_\_\_\_\_

SEAL: